

Title I-C & Title III –
No Child Left Behind Act of 2001



Serving
Undocumented
English
Language
Learners



*Overcoming statutory,
financial, technical,
linguistic and
cultural barriers
to education*

Missouri Department of Elementary and Secondary Education
D. Kent King, Commissioner of Education

A school is required to have documentation that a child has been immunized or is exempt from immunization because of religious beliefs or a medical contraindication determined by a physician. A school may also ask for proof of residency within the district, transcripts and information to verify a student's age. Documents such as birth certificates, hospital records or affidavits can be used to verify age. Under no circumstances should a student be denied enrollment because the student or parent cannot or refuses to provide a birth certificate and/or a Social Security number. A student's undocumented status refers to the inability to provide a Social Security number, green card, visa or other documentation indicating legal residence in the United States. A student cannot be denied admission to school or participation in a program based on undocumented status. Such discrimination would be a denial of the equal protection of the law in violation of the 14th Amendment to the United States Constitution.

Definitions

Limited English Proficient (LEP): An individual:

- (A) whose age is 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C) (i) who was not born in the United States or whose native language is a language other than English;
 - (ii)(I) who is a Native American or Alaska native or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing or understanding the English language may be sufficient to deny the individual:
 - (i) the ability to meet the state's proficient level of achievement on state assessments described in section 1111(b)(3);
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.

English for Speakers of Other Languages (ESOL): Programs that teach language skills to speakers from non-English backgrounds.

English Language Learners (ELL): Speakers of other languages who are in the process of learning English. This abbreviation may be used to indicate LEP students.

Service requirements

It is illegal to put a bilingual/ESOL aide or a paraprofessional in charge of a classroom that is not under the supervision of a certified teacher. The approach most used for teaching in Missouri is ESOL. Title III of the No Child Left Behind (NCLB) Act of 2001 requires that all teachers in language-instruction educational programs for ELL students be fluent in English and any other language used by that program, including written and oral communication skills. This is especially true for Bilingual Education. This does not mean that teachers should be fluent in all ELL students' languages. For the ESOL approach, the English fluency of teachers must meet the requirement.

Service expectations

Schools districts are responsible for providing a language-instruction educational program that increases the English proficiency and academic achievement of ELL students. This is true whether or not the districts receive funds from the state or federal level. The expectations are to hold ELL students to the state academic content and academic achievement standards established for all children. The Missouri Department of Elementary and Secondary Education (DESE) can provide technical assistance services to districts through the Missouri Migrant Education and English Language Learning (MELL) program detailed in this brochure. ELL students' placement test results are key factors in determining the kind of services to provide and how often to deliver them to reach the expectations of the programs to enable children to speak, read, write, listen and comprehend the English language and meet challenging state academic content and student academic achievement standards. Schools are required to carry out a two-year follow-up after a child is no longer receiving services. In the *Educating Linguistically Diverse Students* handbook found on the MELL Web site at mo-mell.org/resources, there are expectations and a checklist that will help you evaluate your programs. Think about what you can do for all ELL students and what is specific to each child. Suggestions from instructional approaches to program evaluation and cultural considerations can be found in the handbook.

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The bottom line is that the district is also looking at whether or not the ELL student is able to access the school's curriculum with all of its cultural and social implications. School district policies, resources and context will influence the type of services available and the approach and content. However, the language-instruction curriculum used must be tied to scientifically based research on teaching ELL students and must have demonstrated effectiveness, which involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to educational activities and programs. See ESEA section 9101(37) for the complete definition at www.ed.gov.

Parental notification

Under Title III of the NCLB Act of 2001, schools are required to provide informed parental notification as to why their child is in need of placement in a specialized language-instruction program. They must be informed no later than 30 days after the beginning of the school year or, if identified during the school year, within two weeks. Parents have the right to immediately remove their child from a program for ELL children. They also have the right to choose among instruction programs if more than one type of program is offered. Schools are required to implement effective means of parental outreach to encourage parents to become informed and active participants in their child's participation in the English language-instruction educational program. Because the legislation is silent on whether parents should be notified before assessing an LM student, DESE does not require the district to seek parental authorization to test the children for ELL classification. Details on parental notification are located in Appendix E of the *Educating Linguistically Diverse Students* handbook.

English for Speakers of Other Languages (ESOL) resources

Federal Discretionary Grants and Grants Management sections at DESE

These sections of the Division of School Improvement at DESE provide grants to school districts and institutions of higher education to facilitate the acquisition of English for ELL children and for professional development of teachers, administrators and personnel serving ELL and immigrant students. For more information, contact DESE at (573) 526-3232, or visit the Web site at dese.mo.gov/divimprove/fedprog/.

Missouri ESOL Clearinghouse services

The Missouri ESOL Clearinghouse offers several statewide services for ELL educators across the state. The clearinghouse was created with state funding by the Center for Innovations in Education (CISE), which is located at the University of Missouri-Columbia. The DESE divisions of School Improvement and Special Education currently provide funding for CISE to continue circulating ESOL resources. As an extension of its statewide lending library program, CISE has a considerable collection of ESOL resources. These include books, videotapes, audiocassettes and training kits for professional development. Visit the CISE Web site at www.cise.missouri.edu.

Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA)

OELA provides grants to school districts to facilitate the acquisition of English for ELL students. Visit their Web site at www.ed.gov/offices/OELA/.

Missouri Migrant Education and English Language Learning (MELL) program

The Title I-C and Title III programs of the NCLB Act of 2001 have been reorganized in Missouri as the MELL program. The reorganization will better serve ELL and migrant students with existing resources. The MELL program will prevent the duplication of services and allow for most of the funds to reach the districts with ELL students. There are nine Regional Professional Development Centers (RPDCs) where MELL staff provide the service delivery. Each center (except for two of very low incidence that are staffed with one person fulfilling both roles) is staffed with at least one recruiter and one instructional specialist. The centers are located in Malden (Malden School District), Columbia (Columbia Public Schools), Kansas City (University of Missouri-Kansas City), Kirksville (Truman State University), St. Joseph (St. Joseph Public Schools), Rolla (University of Missouri-Rolla), Monett (Monett School District), St. Louis (Cooperating School District) and Sedalia (Sedalia School District 200). The MELL director coordinates the nine regional centers from a central office in Jefferson City that is under DESE's contract with the Jefferson City School District.

DESE funds the nine MELL centers and the coordinating office through contracts. The contracts are either with school districts or institutions of higher education. DESE also allocates funding to school districts for direct services to the targeted students.

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Title I and Title III

The current Title I and Title III programs were launched under the NCLB Act of 2001, which reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965. Serving the LEP population may mean integrating resources from Title I and Title III programs to provide a high-quality education to these children who could be classified as at-risk students. Integrating or combining resources means designing programs that could be implemented through the use of either resource. However, Title I services alone are not enough to help ELL and immigrant students.

ELL student identification and assessment

The identification of ELL students starts when the first enrolling student in a district walks in the door. The Missouri School Improvement Program (MSIP) requires that all districts screen students to determine their language background. There must be a screening system in place for every enrolling student.

There are two simple ways to identify ELL students: 1) administering a home language survey, or 2) including home language questions on the school enrollment form. Questions on the enrollment form should include at least the following: 1) Do you use a language other than English? and 2) Is a language other than English used at home?

Any method the district uses should be consistently applied to all students. If your district does not re-enroll all students at the beginning of each school year or has not been using an appropriate screening system, it will be necessary to survey all students who are currently enrolled. Once ELL students are identified, their English language abilities need to be assessed.

In assessing ELL students, keep two points in mind. First, all four language modalities must be assessed: reading, writing, speaking and listening. Second, results should allow comparison with a student's peers at an age-appropriate grade level. The state of Missouri does not require a specific assessment method; however, the commonly used assessment tools are IDEA Proficiency Test (IPT), Language Assessment Battery, Language Assessment Scales (LAS), Maculaitis Assessment Program, Woodcock-Muñoz Language Survey, Stanford English Language Proficiency (SELP), and MAC II. For more information, visit the DESE Web site at dese.mo.gov/divimprove/fedprog/discretionarygrants/bilingual-esol/.

Statewide assessment tool: MAC II

To comply with Title III of the NCLB Act of 2001, the state of Missouri has adopted MAC II as the statewide assessment tool to measure the yearly English language proficiency progress of ELL students. MAC II assesses proficiency in speaking, listening, reading and writing. All students receiving ELL services are required to take the MAC II except for private school ELL students who take the private school's assessment test. Refer to the administration manual for details.

Missouri Assessment Program (MAP)

Students' progress toward attaining the standards is primarily measured by the MAP tests, which should be administered to ELL students to provide instructionally useful information. No ELL student should be exempted from taking the MAP after enrolling in a Missouri school. The NCLB Act of 2001 requires that all ELL students be given the MAP. For details, contact DESE toll-free at 1-800-845-3545.

Foreign-exchange students

Unlike undocumented students, permanent resident aliens and other types of legal aliens residing in the United States, foreign-exchange students do not have a legal right to attend U.S. public schools. Schools have the discretion to enroll or not enroll foreign-exchange students even though when they are enrolled, they may be treated like resident students during their attendance year. These students should be admitted pursuant to the school district's non-resident admissions policy. For more information, visit www.ins.gov. As temporary visitors who are not entitled to receive educational services, it is understood that the school has no obligation to evaluate exchange students for English language proficiency, but schools may do so at their discretion. Districts should review their foreign-exchange student policies.

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